

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
SAN JUAN, P.R.

WM. H. MC GEE & COMPANY OF
PUERTO RICO, INC.,

Plaintiff,

v.

CIVIL NO. 98-1332 (RLA)

M/V PHOENIX SPIRIT, et al.,

Defendants.

**ORDER SCHEDULING INITIAL SCHEDULING CONFERENCE
AND INSTRUCTING PARTIES TO FILE
JOINT INITIAL SCHEDULING MEMORANDUM**

An INITIAL SCHEDULING CONFERENCE is hereby set for **March 31, 2000 at 10:00 a.m.**¹

The parties shall file on or before **March 15, 2000** a JOINT INITIAL SCHEDULING MEMORANDUM with the following information:

1. Factual version of the case.
2. Applicable legal theories.
3. List of fact witnesses with a concise one sentence reference to the expected testimony of each.
4. List of expert witness(es) with reference to respective field(s) of expertise.

¹ The parties shall contact the chambers of the undersigned to verify where the Conference will be held.

12 no

1 The parties are admonished that additional witnesses, whether
2 fact or expert, will not be permitted unless allowed by the Court
3 upon good cause shown.

4 The written reports for the expert witnesses shall include:

5 "[A] complete statement of all opinions to be
6 expressed and the basis and reasons therefor;
7 the data or other information considered by the
8 witness in forming the opinions; any exhibits to
9 be used as a summary of or support for the
10 opinions; the qualifications of the witness,
11 including a list of all publications authored by
12 the witness within the preceding ten years; the
13 compensation to be paid for the study and
14 testimony; and a listing of any other cases in
15 which the witness has testified as an expert at
16 trial or by deposition within the preceding four
17 years.
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19 Rule 26(a)(2)(B) Fed. R. Civ. P.

20 5. A list of all documentary evidence available to support the
21 parties' respective contentions.
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1 6. Itemization of all discovery to be conducted, including
2 interrogatories,² requests for admissions, requests for production and
3 depositions.

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5 7. If a party intends to amend its pleadings, join parties, or
6 file a third party complaint, reference must be made as to the
7 specific action that it wishes to take, identifying both the parties
8 and the relief sought.

9 8. For all dispositive motions the parties anticipate filing:

10 a. Identify the proponent;

11 b. Describe the nature and subject matter of the motion;

12 c. Identify the party(ies) against whom the motion will
13 be addressed; and

14 d. The expected date for submission of the dispositive
15 motion in accordance with the AMENDED STANDING ORDER issued
16 on May 19, 1998 setting forth the PROCEDURE FOR FILING
17 DISPOSITIVE MOTIONS IN CIVIL CASES ASSIGNED TO JUDGE
18 RAYMOND L. ACOSTA.

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20 9. The parties shall include proposed deadlines for each of the
21 following categories of discovery:

22 - Deadline for parties to propound all written discovery.

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25 ² Interrogatories shall be limited to no more than twenty-five
26 (25) questions. See Rule 33(a) Fed. R. Civ. P.

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- Deadline for plaintiff to identify all expert witnesses (if unknown at the time of filing the ISC memorandum).
 - Deadline for conclusion of all fact witnesses depositions.
 - Deadline for submission of reports of all plaintiff's expert witnesses.
 - Deadline for conclusion of depositions of all of plaintiff's expert witnesses.
 - Deadline for defendant to identify all expert witnesses (if unknown at the time of filing the ISC memorandum).
 - Deadline for submission of reports of all defendant's expert witnesses.
 - Deadline for conclusion of depositions of all defendant's expert witnesses.
 - Deadline for serving dispositive motions to opposing counsel.
10. Any other matter the parties deem appropriate.

Failure to comply with the terms of this Order shall result in the imposition of sanctions including but not limited to the dismissal of the complaint, entry of default and/or sanctions against counsel personally.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 24 day of January, 2000.


RAYMOND L. ACOSTA

United States District Judge